

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**RICHARD DIAB,**

**Plaintiff,**

**v.**

**No. CIV 14-0764 LH/LAM**

**DETECTIVE DARCY MCDERMITT,  
BETHENY GUTIERREZ,**

**Defendants.**

**ORDER FOR PERSONAL SERVICE OF PROCESS**

**THIS MATTER** is before the Court *sua sponte* pursuant to 28 U.S.C. § 1915(d) and Fed. R. Civ. P. 4(c) and (d). Plaintiff is proceeding under § 1915, and, pursuant to an order entered on February 24, 2015 (*Doc. 19*), the Clerk issued notice and waiver of service forms, with copies of Plaintiff's complaint (Documents 1, 3, 11, 12, and 15), for Defendant McDermitt. Defendant McDermitt has not returned a waiver of service, and it appears to the Court that personal service of the summons and complaint on Defendant McDermitt is required in this matter. *See* Fed. R. Civ. P. 4(c)(3) and (d)(2). Under Rule 4(d)(2), the Court must impose costs of service on a Defendant who, without good cause, does not comply with a request to waive service.

**IT IS THEREFORE ORDERED** that summons shall be issued and the U.S. Marshal shall serve the summons and complaint (Documents 1, 3, 11, 12 and 15) personally on Defendant McDermitt as directed by the Clerk. The service of the summons and complaint shall be at no cost to Plaintiff.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**